

FILED IN THE U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

APR 10 2025

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE FRANCISCO AGUIRRE,

Defendant.

Case No.: 1:25-CR-2016-RLP

Plea Agreement

Plaintiff United States of America, by and through Richard R. Barker, Acting United States Attorney the Eastern District of Washington, and Bree R. Black Horse, Assistant United States Attorney for the Eastern District of Washington, and Defendant JOSE FRANCISCO AGUIRRE ("Defendant"), both individually and by and through Defendant's counsel, Jennifer Barnes, agree to the following Plea Agreement.

1. Guilty Plea and Maximum Statutory Penalties

Defendant agrees to enter a plea of guilty to Count 1 of the Indictment filed on February 11, 2025, which charges Defendant with Distribution of 50 Grams of Actual (Pure) Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), a Class A felony.

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1 Defendant understands that the following potential penalties apply:

- 2 a. a term of imprisonment of not less than ten (10) years and up to  
3 a lifetime;  
4 b. a term of supervised release of not less than five (5) years and up  
5 to a lifetime;  
6 c. a fine of up to \$10,000,000;  
7 d. a \$100 special penalty assessment.

8 2. Supervised Release

9 Defendant understands that if Defendant violates any condition of  
10 Defendant's supervised release, the Court may revoke Defendant's term of  
11 supervised release, and require Defendant to serve in prison all or part of the term of  
12 supervised release authorized by statute for the offense that resulted in such term of  
13 supervised release without credit for time previously served on post release  
14 supervision, up to the following terms:

- 15 a. 5 years in prison if the offense that resulted in the term of  
16 Supervised Release is a class A felony,  
17 b. 3 years in prison if the offense that resulted in the term of  
18 Supervised Release is a class B felony, and/or  
19 c. 2 years in prison if the offense that resulted in the term of  
20 Supervised Release is a class C felony.

21 Accordingly, Defendant understands that if Defendant commits one or more  
22 violations of supervised release, Defendant could serve a total term of incarceration  
23 greater than the maximum sentence authorized by statute for Defendant's offense or  
24 offenses of conviction.

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1           3.     The Court is Not a Party to this Plea Agreement

2           The Court is not a party to this Plea Agreement and may accept or reject it.  
3 Defendant acknowledges that no promises of any type have been made to Defendant  
4 with respect to the sentence the Court will impose in this matter.

5           Defendant understands the following:

- 6           a.     sentencing is a matter solely within the discretion of the Court;  
7           b.     the Court is under no obligation to accept any recommendations  
8                 made by the United States or Defendant;  
9           c.     the Court will obtain an independent report and sentencing  
10                recommendation from the United States Probation Office;  
11           d.     the Court may exercise its discretion to impose any sentence it  
12                deems appropriate, up to the statutory maximum penalties;  
13           e.     the Court is required to consider the applicable range set forth in  
14                the United States Sentencing Guidelines, but may depart upward  
15                or downward under certain circumstances; and  
16           f.     the Court may reject recommendations made by the United  
17                States or Defendant, and that will not be a basis for Defendant to  
18                withdraw from this Plea Agreement or Defendant's guilty plea.

19           4.     Potential Immigration Consequences of Guilty Plea

20           If Defendant is not a citizen of the United States, Defendant understands the  
21 following:

- 22           a.     pleading guilty in this case may have immigration consequences;  
23           b.     a broad range of federal crimes may result in Defendant's  
24                removal from the United States, including the offense to which  
25                Defendant is pleading guilty;

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- c. removal from the United States and other immigration consequences are the subject of separate proceedings; and
- d. no one, including Defendant's attorney or the Court, can predict with absolute certainty the effect of a federal conviction on Defendant's immigration status.

Defendant affirms that Defendant is knowingly, intelligently, and voluntarily pleading guilty as set forth in this Plea Agreement, regardless of any immigration consequences that Defendant's guilty plea may entail.

5. Waiver of Constitutional Rights

Defendant understands that by entering this guilty plea, Defendant is knowingly and voluntarily waiving certain constitutional rights, including the following:

- a. the right to a jury trial;
- b. the right to see, hear and question the witnesses;
- c. the right to remain silent at trial;
- d. the right to testify at trial; and
- e. the right to compel witnesses to testify.

While Defendant is waiving certain constitutional rights, Defendant understands that Defendant retains the right to be assisted by an attorney through the sentencing proceedings in this case and any direct appeal of Defendant's conviction and sentence, and that an attorney will be appointed at no cost if Defendant cannot afford to hire an attorney.

Defendant understands and agrees that any defense motions currently pending before the Court are mooted by this Plea Agreement, and Defendant expressly waives Defendant's right to bring any additional pretrial motions.

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1           6.     Denial of Federal Benefits

2           Defendant understands that by entering this plea of guilty, Defendant is no  
3 longer eligible for assistance under any state program funded under part A of  
4 Title IV of the Social Security Act (concerning Temporary Assistance for Needy  
5 Families) or benefits under the food stamp program or any state program carried out  
6 under the Food Stamp Act. 21 U.S.C. § 862a. Defendant also understands that the  
7 Court may deny Defendant's eligibility for any grant, contract, loan, professional  
8 license, or commercial license provided by an agency of the United States or by  
9 appropriated funds of the United States. 21 U.S.C. § 862.

10          7.     Elements of the Offense

11          The parties agree that, to convict Defendant of Distribution of 50 Grams or  
12 More of Actual (Pure) Methamphetamine, in violation of 21 U.S.C. § 841(a)(1),  
13 (b)(1)(A)(viii), the United States would have to prove the following beyond a  
14 reasonable doubt.

- 15           a.     *First*, on or about March 1, 2024, in the Eastern District of Washington,  
16 Defendant knowingly distributed 442.8 grams of actual (pure)  
17 methamphetamine; and,  
18           b.     *Second*, Defendant knew that it was methamphetamine or some other  
19 prohibited drug.

20          8.     Factual Basis and Statement of Facts

21          The United States and Defendant stipulate and agree to the following: the facts  
22 set forth below are accurate; the United States could prove these facts beyond a  
23 reasonable doubt at trial; and these facts constitute an adequate factual basis for  
24 Defendant's guilty plea.

25          The United States and Defendant agree that this statement of facts does not  
26 preclude either party from presenting and arguing, for sentencing purposes,

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1 additional facts that are relevant to the Sentencing Guidelines computation or  
2 sentencing.

3 In February of 2024, members of the DEA Yakima Resident Office and Law  
4 Enforcement Against Drugs ("LEAD") interviewed a confidential human source  
5 ("CHS") who provided information indicating that the Defendant was involved in  
6 narcotics trafficking. On February 21, 2024, LEAD members and the Bureau of  
7 Indian Affairs ("BIA") facilitated a controlled purchase of approximately one  
8 thousand (1,000) fentanyl-laced pills stamped with the identifying markings of "M"  
9 and "30" from the Defendant utilizing the CHS in Toppenish, Washington, which is  
10 located within the Eastern District of Washington. The DEA Chemical Analysis  
11 Report dated March 3, 2024, identified the substance from the controlled purchase  
12 that occurred on February 21, 2024, as Fentanyl with a net weight of 151.3 grams  
13 based on 1,021 pills.

14 On March 1, 2024, LEAD members and the BIA facilitated a controlled  
15 purchase of approximately one thousand (1,000) fentanyl-laced pills stamped with  
16 the identifying markings of "M" and "30" and one (1) pound of methamphetamine  
17 from the Defendant utilizing the same CHS from the controlled purchase that  
18 occurred on February 21, 2024. The DEA Chemical Analysis Report dated March  
19 25, 2024, identified the methamphetamine from the controlled purchase that  
20 occurred on March 1, 2024, as 442.8g of Methamphetamine Hydrochloride (99%  
21 purity). The DEA Chemical Analysis Report dated April 2, 2024, associated with  
22 the controlled purchase that occurred on March 1, 2024, identified the fentanyl-laced  
23 pills as Fentanyl with a net weight of 55.213 grams based on 526 pills.

24 9. The United States' Agreements

25 The United States Attorney's Office for the Eastern District of Washington  
26 agrees not to bring additional charges against the Defendant based on information in

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1 its possession at the time of this Plea Agreement that arise from conduct that is either  
2 charged in the Indictment or identified in discovery produced in this case, unless  
3 Defendant breaches this Plea Agreement before sentencing.

4 a. Dismissal of Remaining Counts in Indictment

5 The United States Attorney's Office for the Eastern District of Washington  
6 agrees that at the time of sentencing, the United States will move to dismiss Counts  
7 2 and 3 of the Indictment filed on February 11, 2025, which charge the Defendant  
8 in Count 2 with Distribution of Fentanyl, in violation of 21 U.S.C. §§ 841(a)(1) and  
9 (b)(1)(C), and in Count 3 with Distribution of 40 Grams or More of Fentanyl, in  
10 violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(vi).

11 10. United States Sentencing Guidelines Calculations

12 Defendant understands and acknowledges that the United States Sentencing  
13 Guidelines ("U.S.S.G." or "Guidelines") apply and that the Court will determine  
14 Defendant's advisory range at the time of sentencing, pursuant to the Guidelines.  
15 The United States and Defendant agree to the following Guidelines calculations.

16 a. Base Offense Level

17 The United States and Defendant agree and stipulate that a total of 206.513  
18 grams of fentanyl and 442.8 grams of actual (pure) methamphetamine were  
19 distributed in furtherance of the criminal activity undertaken by the Defendant; and,  
20 Defendant's relevant conduct for sentencing purposes should be calculated based on  
21 this amount pursuant to U.S.S.G. §1B1.3. The United States and Defendant  
22 accordingly agree and stipulate that Defendant's base offense level is 32. U.S.S.G.  
23 §§ 2D1.1(a)(5), (c)(4), 1B1.3(a), 3D1.1(a)(1).

24 b. Special Offense Characteristics

25 The United States and the Defendant agree that the Defendant's base offense  
26 level is decreased by two (2) levels because the Defendant meets the criteria set forth

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1 in paragraphs (1)-(5) of subsection (a) of U.S.S.G. §5C1.2 (Limitation on  
2 Applicability of Statutory Minimum Sentences in Certain Cases).

3 c. Acceptance of Responsibility

4 The United States will recommend that Defendant receive a downward  
5 adjustment for acceptance of responsibility, pursuant to U.S.S.G. § 3E1.1(a), (b), if  
6 Defendant does the following:

- 7 i. accepts this Plea Agreement;
- 8 ii. enters a guilty plea at the first Court hearing that takes  
9 place after the United States offers this Plea Agreement;
- 10 iii. demonstrates recognition and affirmative acceptance of  
11 Defendant's personal responsibility for Defendant's  
12 criminal conduct;
- 13 iv. provides complete and accurate information during the  
14 sentencing process; and
- 15 v. does not commit any obstructive conduct.

16 The United States and Defendant agree that at its option and on written notice  
17 to Defendant, the United States may elect not to recommend a reduction for  
18 acceptance of responsibility if, prior to the imposition of sentence, Defendant is  
19 charged with, or convicted of, any criminal offense, or if Defendant tests positive  
20 for any controlled substance.

21 d. Agreements Regarding Representations to the Court

22 The United States has a duty of candor to the tribunal. If the United States  
23 and Defendant do not agree on the appropriate length of incarceration, the  
24 appropriate length or applicable terms of supervised release, and/or the correct  
25 guidelines calculations, variances, departures, and/or enhancements, the United  
26 States reserves the right to respond to any and all arguments made by Defendant, on

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1 any bases the United States deems appropriate, at all stages of this criminal case.

2 Defendant may make any arguments it deems appropriate, at all stages of this  
3 criminal case.

4 With regard to all briefing, submissions, and hearings in this criminal case,  
5 the United States and Defendant agree to the following provisions:

- 6 i. The United States and Defendant may each respond to any  
7 questions from the Court or United States Probation  
8 Office;
- 9 ii. The United States and Defendant may each supplement  
10 the facts under consideration by the Court by providing  
11 information the United States or Defendant deems  
12 relevant;
- 13 iii. The United States and Defendant may each present and  
14 argue any additional facts that the United States or  
15 Defendant believe are relevant to the Sentencing  
16 Guidelines computation or sentencing;
- 17 iv. The United States and Defendant may each present and  
18 argue information that may already be known to the Court,  
19 including information contained in the Presentence  
20 Investigation Report;
- 21 v. The United States and Defendant may each respond to any  
22 arguments presented by the other;
- 23 vi. In order to support the United States' sentencing  
24 recommendation as set forth herein, the United States may  
25 oppose and argue against any defense argument or any  
26 recommendation for any sentence lower than the sentence

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recommended by the United States on any basis, including arguments for a lower offense level, a lower criminal history calculation, the application or non-application of any sentencing enhancement or departure, and/or any variance from the Guidelines range as calculated by the Court;

vii. In order to support the defense sentencing recommendation as set forth herein, Defendant may oppose and argue against any argument by the United States, or any recommendation for any sentence higher than the sentence recommended by the defense on any basis, including arguments for a higher offense level, a higher criminal history calculation, the application or non-application of any sentencing enhancement or departure, and/or any variance from the Guidelines range as calculated by the Court;

viii. The United States may make any sentencing arguments the United States deems appropriate so long as they are consistent with this Plea Agreement, including arguments arising from Defendant's uncharged conduct, conduct set forth in charges that will be dismissed pursuant to this Plea Agreement, and Defendant's relevant conduct; and

ix. Defendant may make any sentencing arguments consistent with this Plea Agreement Defendant deems appropriate.

e. No Other Agreements

The United States and Defendant have no other agreements regarding the

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1 Guidelines or the application of any Guidelines enhancements, departures, or  
2 variances.

3 f. Criminal History

4 The United States and Defendant have no agreement and make no  
5 representations about Defendant's criminal history category, which will be  
6 determined by the Court after the United States Probation Office prepares and  
7 discloses a Presentence Investigative Report.

8 11. Incarceration

9 At the time of Defendant's original sentencing in the District Court, the United  
10 States agrees to make a sentencing recommendation to the Court that is consistent  
11 with this Plea Agreement. The United States' agreement to make such a  
12 recommendation is limited exclusively to the time of Defendant's original  
13 sentencing in the District Court. The United States' agreement to make such a  
14 recommendation does not prohibit or limit in any way the United States' ability to  
15 argue for or against any future sentencing modification that takes place after  
16 Defendant's original sentencing in the District Court, whether that modification  
17 consists of an amendment to the Guidelines, a change to a statutory minimum or  
18 maximum sentence, any form of compassionate release, any violation of Supervised  
19 Release, or any other modification that is known or unknown to the parties at the  
20 time of Defendant's original criminal sentencing. In this Plea Agreement, the United  
21 States makes no promises or representations about what positions the United States  
22 will take or recommendations the United States will make in any proceeding that  
23 occurs after Defendant's original sentencing in the District Court.

24 The United States agrees to recommend the low end of the Guidelines, as  
25 calculated by the United States. The Defendant may recommend any legal sentence.

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1           12.   Supervised Release

2           The United States and Defendant each agree to recommend five (5) years of  
3 supervised release. Defendant agrees that the Court's decision regarding the  
4 conditions of Defendant's Supervised Release is final and non-appealable; that is,  
5 even if Defendant is unhappy with the conditions of Supervised Release ordered by  
6 the Court, that will not be a basis for Defendant to withdraw Defendant's guilty plea,  
7 withdraw from this Plea Agreement, or appeal Defendant's conviction, sentence, or  
8 any term of Supervised Release.

9           The United States and Defendant agree to recommend that in addition to the  
10 standard conditions of supervised release imposed in all cases in this District, the  
11 Court should also impose the following conditions:

- 12           a.   The United States Probation Officer may conduct, upon  
13 reasonable suspicion, and with or without notice, a search of  
14 Defendant's person, residences, offices, vehicles, belongings,  
15 and areas under Defendant's exclusive or joint control.
- 16           b.   Defendant shall participate and complete such drug testing and  
17 drug treatment programs as the Probation Officer directs.
- 18           c.   Defendant shall complete mental health evaluations and  
19 treatment, including taking medications prescribed by the  
20 treatment provider. Defendant shall allow reciprocal release of  
21 information between the Probation Officer and the treatment  
22 provider. Defendant shall contribute to the cost of treatment  
23 according to the Defendant's ability.

24           13.   Criminal Fine

25           The United States and Defendant may make any recommendation concerning  
26 the imposition of a criminal fine. Defendant acknowledges that the Court's decision

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1 regarding a fine is final and non-appealable; that is, even if Defendant is unhappy  
2 with a fine ordered by the Court, that will not be a basis for Defendant to withdraw  
3 Defendant's guilty plea, withdraw from this Plea Agreement, or appeal Defendant's  
4 conviction, sentence, or fine.

5 14. Mandatory Special Penalty Assessment

6 Defendant agrees to pay the \$100 mandatory special penalty assessment to the  
7 Clerk of Court for the Eastern District of Washington, pursuant to 18 U.S.C. § 3013.

8 15. Payments While Incarcerated

9 If Defendant lacks the financial resources to pay the monetary obligations  
10 imposed by the Court, Defendant agrees to earn money toward these obligations by  
11 participating in the Bureau of Prisons' Inmate Financial Responsibility Program.

12 16. Additional Violations of Law Can Void Plea Agreement

13 The United States and Defendant agree that the United States may, at its  
14 option and upon written notice to the Defendant, withdraw from this Plea Agreement  
15 or modify its sentencing recommendation if, prior to the imposition of sentence,  
16 Defendant is charged with or convicted of any criminal offense or tests positive for  
17 any controlled substance.

18 17. Waiver of Appeal Rights

19 Defendant understands that Defendant has a limited right to appeal or  
20 challenge Defendant's conviction and the sentence imposed by the Court.

21 In return for the concessions that the United States has made in this Plea  
22 Agreement, Defendant expressly waives all of Defendant's rights to appeal any  
23 aspect of Defendant's conviction and/or the sentence the Court imposes, on any  
24 grounds.

25 Defendant expressly waives Defendant's right to appeal any fine, term of  
26 supervised release, or restitution order imposed by the Court.

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1 Defendant expressly waives the right to file any post-conviction motion  
2 attacking Defendant's conviction and sentence, including a motion pursuant to 28  
3 U.S.C. § 2255, except one based on ineffective assistance of counsel arising from  
4 information not now known by Defendant and which, in the exercise of due  
5 diligence, Defendant could not know by the time the Court imposes sentence.

6 Nothing in this Plea Agreement shall preclude the United States from  
7 opposing any post-conviction motion for a reduction of sentence or other attack upon  
8 the conviction or sentence, including, but not limited to, writ of habeas corpus  
9 proceedings brought pursuant to 28 U.S.C. § 2255.

10 18. Withdrawal or Vacatur of Defendant's Plea

11 Should Defendant successfully move to withdraw from this Plea Agreement  
12 or should Defendant's conviction be set aside, vacated, reversed, or dismissed under  
13 any circumstance, then:

- 14 a. Any obligations, commitments, or representations made by the  
15 United States in this Plea Agreement shall become null and void;
- 16 b. The United States may prosecute Defendant on all available  
17 charges;
- 18 c. The United States may reinstate any counts that have been  
19 dismissed, have been superseded by the filing of another  
20 charging instrument, or were not charged because of this Plea  
21 Agreement; and
- 22 d. The United States may file any new charges that would otherwise  
23 be barred by this Plea Agreement.

24 The decision to pursue any or all of these options is solely in the discretion of  
25 the United States Attorney's Office.

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Defendant agrees to waive any objections, motions, and/or defenses Defendant might have to the United States' decisions to seek, reinstate, or reinitiate charges if a count of conviction is withdrawn, set aside, vacated, reversed, or dismissed, including any claim alleging a violation of Double Jeopardy.

Defendant agrees not to raise any objections based on the passage of time, including but not limited to alleged violations of any statutes of limitation or any objections based on the Speedy Trial Act or the Speedy Trial Clause of the Sixth Amendment.

19. Integration Clause

The United States and Defendant acknowledge that this document constitutes the entire Plea Agreement between the United States and Defendant, and no other promises, agreements, or conditions exist between the United States and Defendant concerning the resolution of the case.


This Plea Agreement is binding only on the United States Attorney's Office for the Eastern District of Washington, and cannot bind other federal, state, or local authorities.

The United States and Defendant agree that this Agreement cannot be modified except in a writing that is signed by the United States and Defendant.

Approvals and Signatures

Agreed and submitted on behalf of the United States Attorney's Office for the Eastern District of Washington.

Richard R. Barker  
Acting United States Attorney

  
Bree R. Black Horse  
Assistant United States Attorney

04.07.2025  
Date

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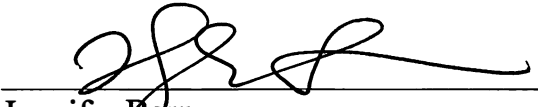
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1 I have read this Plea Agreement and I have carefully reviewed and discussed  
2 every part of this Plea Agreement with my attorney. I understand the terms of this  
3 Plea Agreement. I enter into this Plea Agreement knowingly, intelligently, and  
4 voluntarily. I have consulted with my attorney about my rights, I understand those  
5 rights, and I am satisfied with the representation of my attorney in this case. No  
6 other promises or inducements have been made to me, other than those contained in  
7 this Plea Agreement. No one has threatened or forced me in any way to enter into  
8 this Plea Agreement. I agree to plead guilty because I am guilty.

9   
10 Jose Francisco Aguirre  
11 Defendant

4/4/25  
Date

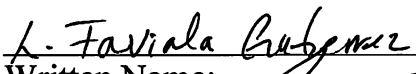
12 I have read the Plea Agreement and have discussed the contents of the  
13 agreement with my client. The Plea Agreement accurately and completely sets  
14 forth the entirety of the agreement between the parties. I concur in my client's  
15 decision to plead guilty as set forth in the Plea Agreement. There is no legal  
16 reason why the Court should not accept Defendant's guilty plea.

17   
18 Jennifer Barnes  
19 Attorney for Defendant

4/4/25  
Date

20 Interpreter Certification

21 I hereby certify that I have read and translated the entire foregoing document  
22 to Defendant in a language with which Defendant is conversant. If questions have  
23 arisen, I have notified Defendant's counsel of the questions and have not offered nor  
24 given legal advice nor personal opinions.

25   
26 Written Name:  
27 Interpreter

4/4/25  
Date

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